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8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
9 STATE OF CALIFORNIA
10

11 In the Matter of) FPPC No.: 01/205
12)
13) STIPULATION, DECISION and
14) ORDER
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Complainant Mark Krausse, Executive Director of the Fair Political Practices Commission, and Respondents Andy Quach, Andy Quach for City Council, and Diemmy N. Tran, hereby agree that this stipulation will be submitted for consideration by the Fair Political Practices Commission at its next regularly scheduled meeting.

The parties agree to enter into this stipulation to resolve all factual and legal issues raised by this matter, and to reach a final disposition without the necessity of holding an administrative hearing to determine the liability of Respondents.

Respondents understand, and hereby knowingly and voluntarily waive, any and all procedural rights set forth in sections 83115.5, 11503, and 11523 of the Government Code, and in section 18361 of title 2 of the California Code of Regulations. This includes, but is not limited to, the right to personally

1 appear at any administrative hearing held in this matter, to be represented by an attorney at
2 Respondents' own expense, to confront and cross-examine all witnesses testifying at the hearing, to
3 subpoena witnesses to testify at the hearing, to have an impartial administrative law judge preside over
4 the hearing as a hearing officer, and to have the matter judicially reviewed.

5 It is further stipulated and agreed that: Respondent Andy Quach violated the Political Reform
6 Act by failing to disclose a campaign contribution in excess of \$250 from a party to a proceeding that
7 was pending, and by failing to disqualify himself from making and participating in making a decision
8 involving that same party, in violation of section 84308, subdivision (c) of the Government Code
9 (2 counts); Respondents Andy Quach, Andy Quach for City Council, and Diemmy N. Tran violated the
10 Political Reform Act by receiving cash contributions, in violation of section 84300, subdivision (a) of
11 the Government Code (1 count); by failing to disclose a late contribution, in violation of section 84203
12 of the Government Code (1 count); by failing to disclose required contributor information, in violation
13 of section 84211, subdivision (f) of the Government Code (2 counts); and by failing to maintain
14 campaign records, in violation of section 84104 of the Government Code (3 counts); as described in
15 Exhibit 1. Exhibit 1 is attached hereto and incorporated by reference, as though fully set forth herein.
16 Exhibit 1 is a true and accurate summary of the facts in this matter.

17 Respondents agree to the issuance of the decision and order, which is attached hereto.
18 Respondents also agree to the Commission imposing upon them an administrative penalty in the amount
19 of Eleven Thousand Five Hundred Dollars (\$11,500), allocated as follows: Four Thousand Dollars
20 (\$4,000) against Respondent Andy Quach; and Seven Thousand Five Hundred Dollars (\$7,500) against
21 Respondents Andy Quach, Andy Quach for City Council, and Diemmy N. Tran. A cashier's check from
22 Respondents in said amount, made payable to the "General Fund of the State of California," is submitted
23 with this stipulation as full payment of the administrative penalty, to be held by the State of California
24 until the Commission issues its decision and order regarding this matter. The parties agree that in the
25 event the Commission refuses to accept this stipulation, it shall become null and void, and within fifteen
26 (15) business days after the Commission meeting at which the stipulation is rejected, all payments
27 tendered by Respondents in connection with this stipulation shall be reimbursed to Respondents.
28 Respondents further stipulate and agree that in the event the Commission rejects the stipulation, and a
full evidentiary hearing before the Commission becomes necessary, neither any member of the

Commission, nor the Executive Director, shall be disqualified because of prior consideration of this stipulation.

Dated: _____

Mark Krausse, Executive Director
Fair Political Practices Commission

Dated: _____

Andy Quach, Respondent

Dated: _____

Andy Quach for City Council, Respondent

Dated: _____

Diemmy N. Tran, Respondent

Dated: _____

Mark S. Rosen, Attorney for Respondents

DECISION AND ORDER

The foregoing stipulation of the parties “In the Matter of Andy Quach, Andy Quach for City Council, and Diemmy N. Tran, FPPC No. 01/205,” including all attached exhibits, is hereby accepted as the final decision and order of the Fair Political Practices Commission, effective upon execution below by the Chairman.

IT IS SO ORDERED.

Dated: _____

Liane M. Randolph, Chairman
Fair Political Practices Commission